

लॉजिस्टिक्स नं० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 19 अक्टूबर, 1984/27 अश्विन, 1906

हिमाचल प्रदेश सरकार

विधि विभाग

अ. नं० 33/84

शिमला-2, 19 अक्टूबर, 1984

क्रमांक एम० एन० आर० डी (6) 33/84.—हिमाचल प्रदेश म्यूनिसिपल कॉर्पोरेशन (अमेण्डमेंट एण्ड विसिडेशन) विधेयक, 1984 (1984 का विधेयक संख्यांक 25) जैसा कि राज्यपाल द्वारा भारत के संविधान के अनुच्छेद

200 के अन्तर्गत दिनांक 18-10-1984 को स्वीकृत किया गया, को सर्वसाधारण की जानकारी के लिए राजपत्र, हिमाचल प्रदेश में 1984 का अधिनियम संख्यांक 20 के रूप में प्रकाशित किया जाता है।

ईश्वर चन्द्र मलहोत्रा,
अवर सचिव (विधि) ।

Act No. 20 of 1984.

**THE HIMACHAL PRADESH MUNICIPAL CORPORATION
(AMENDMENT AND VALIDATION) ACT, 1984**

AN

ACT

further to amend the Himachal Pradesh Municipal Corporation Act, 1979 (Act No. 9 of 1980) and to validate certain actions taken thereunder.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fifth Year of Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Municipal Corporation (Amendment and Validation) Act, 1984.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force with effect from the 10th day of July, 1984.

9 of 1980

2. As from the commencement of the Himachal Pradesh Municipal Corporation Act, 1979 (hereinafter called the principal Act) in section 3 of the said Act—

Amend-
ment of
section 3.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purposes of this Act the area comprised within the limits of the Shimla Municipal Corporation constituted under section 5 of the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, shall be the city of Shimla.”; and

22 of 1969

(b) the word “other” appearing in between the words “any” and “municipality” occurring in sub-section (2) shall be omitted.

3. As from the commencement of the principal Act, the words “having a minimum service as such of ten years” occurring in sub-section (1) of section 46 of the said Act shall be omitted.

Amend-
ment of
section 46.

12 of 1984

4. As from the commencement of the Himachal Pradesh Municipal Corporation (Amendment) Act, 1984 for the words “such date of taking over” occurring for the second time in sub-section (5) of section 70-A of the principal Act, the words “the date of notice” shall be substituted.

Amend-
ment of
section
70-A.

12 of 1984

5. As from the commencement of the Himachal Pradesh Municipal Corporation (Amendment) Act, 1984 for item I of the Third Schedule of the principal Act, the following item I shall be substituted, namely:—

Amend-
ment of
Third Sched-
ule.

“I. Executive Engineer/Municipal Engineer.”

6. Notwithstanding anything contained in—

Validation

9 of 1980

(a) the Himachal Pradesh Municipal Corporation Act, 1979 and the rules, regulations and bye-laws made thereunder;

(b) any judgement, decree or order of any court; or

(c) any other law for the time being in force;

First—the constitution of the Municipal Corporation of Shimla as a result of the issuance of notification No. 2-8/71-LSG, dated 10th November, 1980;

Secondly—the appointments of officers as Commissioners of the Municipal Corporation of Shimla made after the commencement of the principal Act;

Thirdly—the taking over of the employees of Municipal Corporation specified in the Third Schedule of the principal Act;

shall be and shall be deemed always to have been valid and effective as if the provisions of the sections 3, 46 and 70-A and the Third Schedule of the principal Act, as amended by this Act, were in force at all material times.

Repeal and savings.

7. (1) The Himachal Pradesh Municipal Corporation (Amendment and Validation) Ordinance, 1984 is hereby repealed.

3 of 1984

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

शिमला-2, 19 अक्तूबर, 1984

क्रमांक एल० एल० आर०-डी (6) 35/84.—हिमाचल प्रदेश यूनिसिपल (अमेण्डमेंट) विधेयक, 1984 (1984 का विधेयक संख्यांक 26) जैसा कि राज्यपाल द्वारा भारत के संविधान के अनुच्छेद 200 के अन्तर्गत दिनांक 18-10-1984 को स्वीकृत किया गया, को सर्वसाधारण की जानकारी के लिए राजपत्र, हिमाचल प्रदेश में 1984 का अधिनियम संख्यांक 21 के रूप में प्रकाशित किया जाता है।

ईश्वर चन्द्र मलहोत्रा,
अवर सचिव (विधि)।

Act No. 21 of 1984.

THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT)

ACT, 1984

AN

ACT

further to amend the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Municipal (Amendment) Act, 1984.

Short title
and com-
mencement.

(2) It shall come into force at once.

19 of 1968

2. After section 11-B of the Himachal Pradesh Municipal Act, 1968 (hereinafter called the principal Act), the following new section 11-C, along with its heading, shall be inserted, namely:—

Insertion of
section 11-C.

“11-C. **Disqualifications for membership.**—(1) A person shall be disqualified for being chosen as, and for being, a member—

- (a) if he has not attained the age of 25 years or his name is not entered in the electoral roll of the ward of the committee;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;
- (d) if he has been sentenced on conviction by a criminal court to imprisonment for an offence involving moral turpitude, or an offence under the Protection of Civil Rights Act, 1955, unless a period of five years has elapsed since the date of such conviction;
- (e) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of any corrupt practice or any offence punishable under section 171-E or section 171-F of the Indian Penal Code, unless a period of five years has elapsed since the date of the said finding;
- (f) if he has been found to have encroached upon any land belonging to, or taken on lease, or requisitioned by, or on behalf of, the State Government, Municipal Corporation, Municipal Committee, Notified Area Committee, Gram Panchayat, Panchayat Samiti, a Zila Parishad or a co-operative society;

22 of 1955

45 of 1860

- (g) if he holds any office of profit under the committee;
 - (h) if he holds an office of profit under any State Government or Union Government;
 - (i) if he is interested in any subsisting contract made with, or any work being done for, the committee except as a share holder (other than a director) in an incorporated company or as a member of a co-operative society;
 - (j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the committee or any of municipal authorities is interested or concerned;
 - (k) if he, having held any office under the Government, the committee or any other local authority, any Government company or any corporate body owned or controlled by the Government has been dismissed from service, unless a period of four years has elapsed since his dismissal;
 - (l) if he fails to pay any arrear of any kind due by him, or otherwise than as an agent, receiver, trustee or any executor, to the committee within three months after a notice in this behalf has been served upon him.
- (2) Notwithstanding anything contained in sub-section (1),—
- (a) a disqualification under clause (d) of that sub-section shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of;
 - (b) a person shall not be deemed to have incurred any disqualification under clauses (g) or (h) of that sub-section by reason only of his receiving—
 - (i) any pension; or
 - (ii) any allowance or facility for serving as the member of the committee or Corporation;
 - (iii) any fee for attendance at a meeting of any committee or corporation;
 - (c) a person shall not be deemed to have any interest in a contract or work such as referred to in clause (i) of that sub-section by reason only of his having a share or interest in—
 - (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or
 - (ii) any agreement for the loan of money or any security for the payment of money only; or
 - (iii) any newspaper in which any advertisement relating to the affairs of committee is inserted; or
 - (iv) the sale to the committee or to any other municipal authority or any officer or other employee of the committee on behalf of the committee, of any article in which he

regularly trades or he purchases from the committee or from any such authority, officer or other employee on behalf of the committee, of any article of a value in either case not exceeding five thousand rupees in aggregate in any year during the period of the contract or work; or

- (v) the letting out on hire to the committee or the hiring from the committee of any article of a value not exceeding two thousand rupees in aggregate in any year during the period of the contract or work;
- (vi) any agreement or contract with the committee or any other municipal authority for taking water or any other thing which the committee may generally supply".

3. For sub-section (1) of section 15 of the principal Act, the following sub-section (1) shall be substituted, namely:— Amendment of section 15.

"(1) The Government may, by notification, remove any member, if in its opinion—

- (a) he becomes subject to any of the disqualifications mentioned in section 11-C; or
- (b) he has flagrantly abused his position as a member or has through negligence or misconduct been responsible for the loss or mis-application of any money or property of the committee; or
- (c) he has become physically or mentally incapacitated for performing his duties as a member; or
- (d) he absents himself during three successive months from the meeting of the committee without permission of the committee; or
- (e) he absents himself from or is unable to attend the meetings of the committee during twelve successive months for any cause whatsoever whether approved by the committee or not; or
- (f) if his continuance in office is, in the opinion of the State Government, dangerous to the public peace or order:

Provided that before the Government notifies the removal of a member, the reasons for his proposed removal shall be communicated to him and he shall be given opportunity of tendering an explanation in writing:

Provided further that it shall not be necessary to give such opportunity where the Government is satisfied that it is not reasonably practicable to do so."

